

Teacher and Police Housing Smoke Alarm Policy

Teacher and Police Housing, Homes NSW

21 November 2024 v1.3 – APPROVED

1 Purpose

This policy outlines the requirements and best practices for the installation, maintenance, and compliance of smoke alarms in residential rental properties managed by Homes NSW Teacher and Police Housing. It aims to ensure the safety of tenants and compliance with relevant legislation.

2 Scope

2.1 In Scope

This policy applies to all residential rental properties owned and managed by Teacher and Police Housing. It covers the roles and responsibilities of Teacher and Police Housing and Managing Agents regarding the installation, maintenance, testing and compliance associated with smoke alarms.

2.2 Out of Scope

This policy does not apply to the upkeep of smoke alarms in other properties managed or owned by Homes NSW. For obligations regarding smoke alarms in social housing, refer to the [During a Tenancy Policy](#).

3 Legislative Framework

In accordance with the [Residential Tenancies Act 2010](#) and [Residential Tenancies Regulation 2019](#), the following requirements have been established:

1. **Installation:** Smoke alarms must be installed in accordance with the Building Code of Australia (BCA) and Australian Standards (AS 3786) and the provisions outlined in the Regulation.
 2. **Maintenance:** Smoke alarms must be tested annually and maintained to ensure functionality.
 3. **Compliance:** Non-compliance with smoke alarm requirements may result in penalties as specified under both the Act and Regulation.
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4 Smoke Alarm Requirements

4.1 Installation

- Smoke alarms must be installed on the ceiling or high on the wall, positioned between sleeping areas and the remainder of the property.
 - For multi-storey properties, a smoke alarm must be installed on each level.
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4.2 Maintenance

- Landlords are responsible for maintaining smoke alarms in a functional condition throughout the tenancy.
- Smoke alarms should be tested and cleaned at least once a year.
- Smoke alarm batteries should be replaced annually, or as specified by the manufacturer's instructions.

4.3 Testing

- Landlords must ensure that smoke alarms are tested at the beginning of each new tenancy and at least every 12 months thereafter.
- A record of the test dates and any maintenance performed must be kept and made available to tenants upon request.

5 Roles and Responsibilities

5.1 Teacher and Police Housing

Under the policy, relevant employees in the Teacher and Police Housing unit must:

- Manage a programmed maintenance plan
- Oversee, monitor and report on Managing Agents compliance
- Conduct ongoing reviews of performance obligations as established through the Residential Tenancy Management Agreement (RTMA)
- Familiarise themselves with any escalation processes under the managing agent agreement
- Proactively remind Managing Agents leading up to compliance deadlines
- Review all Strata and Annual General Meeting minutes and raise any questions relating to compliance within the meetings
- Provide training and awareness programs based on performance reports to address areas of high non-compliance and support Managing Agents to meet their obligations
- Provide corrective action, penalties or contract termination for consistent non-compliance
- Review and update the risk register to include risks related to smoke alarms.

5.2 Managing Agents

Managing Agents engaged by Homes NSW for the provision of services to properties owned by Teacher and Police Housing are required to:

- Adhere to all relevant regulations regarding smoke alarms in addition to any annual or compliance certification requirements
- Provide timely compliance certificates that include the installation date and annual testing dates
- Ensure smoke alarms are replaced in line with best practice, when they are at end-of-life (every 10 years) or where they are malfunctioning
- Ensure batteries are replaced at the commencement of each tenancy, and at least once a year
- Engage actively in the Programmed Maintenance Plan established by Teacher and Police Housing, ensuring that smoke alarms are regularly inspected and maintained
- Upload evidence of maintenance and inspection completion, including checklists and photographic evidence, to the Portal
- Annually submit statutory declarations confirming the completion of key maintenance activities related to smoke alarms

- Act on proactive communications from Teacher and Police Housing regarding compliance deadlines and obligations
- Immediately notify Teacher and Police Housing of any issues or non-compliance concerning smoke alarms
- Meet performance targets set by Teacher and Police Housing, ensuring timely submission of compliance documents and maintenance records
- Participate in training and coaching programs provided by Teacher and Police Housing to enhance compliance and understanding of smoke alarm requirements
- Complete Conflict of Interest declarations upon signing the Managing Agent Agreement, annually, and as needed, ensuring that all conflicts are documented
- Ensure a prompt response to any emergency maintenance requests related to smoke alarms and report actions taken
- Source and engage qualified contractors for smoke alarm maintenance and ensure their accreditation and compliance with service standards outlined in the managing agent agreement and in line with best practice (e.g., complying with annual timelines to submit certificates)
- Cooperate with Teacher and Police Housing during any audits or sample checks of maintenance practices and contractor accreditation
- Allow Teacher and Police Housing to audit and sample-base check the accreditation of contractors engaged for smoke alarm compliance.

5.3 Strata Managers

A periodic review schedule of strata managers Strata and Annual General Meeting minutes is to be implemented by the Teacher and Police Housing tenancy team to ensure all documents relating to smoke alarms are current and up to date.

All documentation provided by Strata Managers should be readily available for all staff.

5.4 Invoicing and evidence of works

At time of invoicing, the Managing Agent is to ensure the following information is provided with the invoice:

- Photographs of completed works
- Evidence that the smoke alarm complies with Australian Standards
- Evidence that the works were completed by a qualified/accredited person
- Ensure commentary on the working nature of the smoke alarm is included within each Inspection Report.

6 Compliance and Enforcement

6.1 Penalties as per Legislation

Non-compliance with smoke alarm requirements under the Residential Tenancies Act 2010 and the Residential Tenancies Regulation 2019 can lead to several penalties:

1. Landlords/Managing Agents may face fines for failing to ensure that smoke alarms are installed and maintained properly.

2. Tenants may seek compensation if they are affected by the landlord's failure to comply with smoke alarm regulations, especially in the event of a fire.
3. Landlords/Managing Agents could be held liable for any damages or injuries resulting from a fire if smoke alarms were not compliant.
4. NSW Civil and Administrative Tribunal may issue orders requiring landlords to rectify the situation, and failure to comply with these orders can result in further penalties.

6.2 Escalation Process for Managing Agent Non-Compliance

Teacher and Police Housing will actively monitor and report on the compliance of Managing Agents. If a Managing Agent fails to meet compliance obligations, the following escalation process and corrective actions will be implemented:

- **Verbal Warning:** A verbal warning will be issued to the Managing Agent, outlining the specific non-compliance issues and reiterating expectations and regulatory requirements.
- **Training and Awareness:** Training sessions will be provided to the Managing Agent to ensure they are informed about compliance requirements and best practices.
- **Written Warning:** A written warning will be issued, clearly stating that failure to rectify the non-compliance may lead to further escalation, including notifying NSW Fair Trading or potential contract termination.
- **Performance Improvement Plan** to be developed to take an escalating multi-tiered approach based on the severity and/or reoccurrence of non-compliance. This could include:
 1. Coaching, training and education (e.g., webinars)
 2. Corrective action
 3. Penalties
 4. Termination/non-renewal.
- **Notification to NSW Fair Trading:** The Senior Tenancy Manager will formally write to NSW Fair Trading regarding the Managing Agent's ongoing non-compliance.
- **Contract Termination:** If necessary, the Senior Tenancy Manager will terminate the contract with the Managing Agent.

7 Process Flowchart

A Process Flowchart has been developed as a guide to assist staff in understanding their roles and responsibilities of this Policy. The Process Flowchart also outlines a program and structured timeframes for proactive engagement of trades, compliance monitoring, and process invoicing and non-compliance.

- **Appendix A – FLW-007 Smoke Detector Responsibilities**

8 Review

This policy will be reviewed annually or as necessary to ensure its effectiveness and compliance with current legislation and standards.

Document Control	Date	Comments
V1.0	06 AUG 2024	For comments
V1.1	25 SEP 2024	Updated Terminology, Inclusion of Process Flowchart, For Circulation to THA Board
V1.1	16 OCT 2024	Reviewed and approved by Sharnah Harriman
V1.2	NOV 2024	Reviewed by KWH Strategy Team (Homes NSW S&P)
V1.3	21 NOV 2024	Approved by Teacher Housing Authority Board